

### **Remarks**

Applicant has herein amended claims 24 and 25, and has canceled claims 19, 20, 23 and 26. Two (2) claims remain pending in the application, claims 24 and 25, of which claim 24 is independent. Applicant respectfully requests reconsideration of the pending claims, in view of the claim amendments above and comments below.

### ***Interview Summary***

On August 25, 2004, Examiner LoAn H. Thanh and applicants' representative, Laura H. Bishop participated in a phone interview. The discussion revolved around how to conform to requests in the final Office action, including how to be responsive to the request for amendments to the specification while avoid adding new matter, and the need to clarify the means-plus-function claim language. Claims 19, 20 and 24 were discussed. It was resolved that a supplemental amendment would be filed, to submit the amendments to the specification and to claim 24, which was indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has rewritten claim 24 in independent form including all the limitations of base claim 19 and intervening claim 20. The words from claims 19 and 20 have been reorganized as suggested by the Examiner during the phone interview.

### ***Allowable Subject Matter***

Applicant acknowledges with appreciation that, on page 5 of the final Office action mailed April 22, 2004, the Examiner indicated that claim 24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As stated above, applicants have rewritten claim 24 in independent form including all the

limitations of the base claim (claim 19) and any intervening claims (claim 20). Again, the words from claims 19 and 20 have been reorganized as suggested by the Examiner during the August 25, 2004 phone interview.

***Specification and related Claim Objections***

On page 2 of the Office action, the Examiner objected to the specification, stating:

Applicant has evoked sixth paragraph, means-plus-function language to define Applicant's invention. Therefore, the Examiner requires the Applicant to amend the specification pursuant to 37 CFR 1.75(d) and MPEP 608.01(o) to explicitly state, with reference to the terms and phrases of the claim element, what structure, material, and acts perform the function recited in the claim element.

On page 3 of the Office action, the Examiner objected to claims 19-20 and 23-24, stating:

Applicant has evoked sixth paragraph, means-plus-function language to define Applicant's invention. Therefore the Examiner has objected to the claims for the reasons set forth above in the objection to the specification.

Applicant has herein amended the specification to overcome the objections to the specification and claims 19 and 23-24, and to correct a typographical error.

Applicant respectfully traverses this objection as it applies to claim 20 (now amended claim 24), as it recites structure — namely “at least one sensor” — and is thus not in means-plus-function format.

***Claim Rejections - 35 USC § 102***

Claims 19, 23 and 25-26 were rejected under 35 U.S.C. 102(b) as being anticipated by Harpstead et al. (U.S. Patent No. 5,697,951). Claim 19 was also rejected under 35 U.S.C. 102(b) as being anticipated by Vaiani et al. (U.S. Patent No. 5,374,285). Claims 19 and 20 were rejected under 35 U.S.C. 102(e) as being anticipated by Flaherty et al (U.S. Patent No. 6,283,951).

Without necessarily agreeing with these rejections, but to speed the present case to issuance, applicants have canceled claims 19, 20, 23 and 26, rendering this rejection moot. Applicants reserve the right to pursue canceled and withdrawn claims in one or more continuation applications.

Claim 25 depends from now-independent claim 24, so should be allowable, as claim 24 was considered to contain allowable subject matter. Acknowledgment of the same is earnestly solicited.

### **Conclusion**

In view of the foregoing remarks and amendments, it is respectfully submitted that the rejections have been overcome and that the pending claims are in condition for allowance. An indication of allowability of pending claims 24 and 25 is earnestly solicited. In the alternative, if it is deemed that the claims are still not in condition for allowance, entry of the amendments is requested, as they narrow the issues for appeal.

The Examiner is invited to telephone the undersigned, Laura H. Bishop, at her convenience should any issues remain after consideration and entry of this response, in order to permit early resolution of the same.

Respectfully Submitted,

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Date

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